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12
13 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

14 LEROY ATKINS and GERALDINE ATKINS,
individually and on behalf of all those similarly
15 situated,

16 Plaintiffs,

v.

17 METLIFE, INC., METROPOLITAN LIFE
INSURANCE COMPANY,
18 BRIGHOUSE FINANCIAL, INC., and
BRIGHOUSE LIFE INSURANCE
19 COMPANY,

20 Defendants.

Case No. 2:19-cv-02004-RFB-NJK

**STIPULATION AND ORDER FOR
EXTENSION OF TIME REGARDING
BRIEFING SCHEDULE ON MOTIONS TO
DISMISS [ECF Nos. 45, 46]**

(First Request)

21
22 Pursuant to LR IA 6-1, Plaintiffs Leroy Atkins and Geraldine Atkins (jointly,
23 “Plaintiffs”) and Defendants MetLife, Inc., Metropolitan Life Insurance Company, Brighthouse
24 Financial, Inc., and Brighthouse Life Insurance Company (“BLIC”) (collectively, the “Parties”)
25 stipulate and agree as follows regarding the briefing schedule related to the motions to dismiss
26 filed on March 20, 2020 (ECF Nos. 45, 46):

27 1. On November 18, 2019, Plaintiffs filed a Class Action Complaint against MetLife, Inc.,
28 Metropolitan Life Insurance Company, and Brighthouse Financial, Inc. (the “Complaint”). (ECF No. 1.)

1 2. The Complaint was amended on February 12, 2020, to add BLIC as a party (the
2 “Amended Complaint”). (ECF No. 26.)

3 3. On February 25, 2020, this Court entered a Stipulation and Order for Extension of Time,
4 extending the time for all Defendants to respond to the Amended Complaint to March 20, 2020. (ECF
5 No. 31.)

6 4. On March 20, 2020, Defendants Brighthouse Financial, Inc. and BLIC filed a Motion to
7 Dismiss (ECF. No. 45), and Defendants MetLife, Inc. and Metropolitan Life Insurance Company filed a
8 Motion to Dismiss (ECF No. 46) (collectively, the “Motions to Dismiss”).

9 5. Currently, Plaintiffs’ deadline to respond to both Motions to Dismiss is April 3, 2020.
10 *See* LR 7-2.

11 6. The Parties stipulate and agree that the deadline for Plaintiffs to respond to both Motions
12 to Dismiss shall be on or before April 17, 2020.

13 7. The Parties stipulate and agree that Defendants shall file reply briefs on or before May 8,
14 2020.

15 8. Good cause exists to extend the deadlines. Plaintiffs’ initial Complaint was filed on
16 November 18, 2019. (ECF No. 1.) No new claims were added to the Amended Complaint. (ECF No.
17 26.) Defendants, therefore, had approximately four months to research and draft their responses to the
18 claims asserted in the Amended Complaint. Plaintiffs’ request for a 14-day extension is reasonable in
19 comparison to that amount of time.

20 9. Good cause also exists because in their Motions to Dismiss, Defendants attached the
21 Group Annuity Contract which is the subject of this matter. Plaintiffs allege that they had not previously
22 obtained a full copy of the contract and need additional time to confer with their counsel on how the
23 terms of the contract may impact their claims.

24 10. Further good cause exists to extend the deadlines as a result of the impact of the COVID-
25 19 pandemic and the resulting government-ordered business closures, which have created unprecedented
26 disruptions and challenges. *See, e.g.,* Temporary General Order 2020-03 (continuing all civil and
27 criminal trials due to COVID-19 pandemic); Temporary General Order 2020-04 (closing Clerk’s office
28

to the public and issuing a directive to limit in-person court appearances). These challenges impact the Parties and their counsel in this this action—requiring additional time to prepare the responses to the Motions to Dismiss and the reply briefs.

11. This is the first request to extend the deadlines for the responses to the Motions to Dismiss and the reply briefs in support of the same.¹

12. This request is made in good faith and will not impact any other deadlines.

Dated: March 31, 2020

Dated: March 31, 2020

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/s/ John P. Aldrich

/s/ Mary E. Bacon

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¹ The Stipulation and Order for Extension of Time filed on February 24, 2020 (ECF No. 30) included a briefing schedule in the event the Defendants elected to respond to the Amended Complaint with a motion (as opposed to an answer). (*Id.*) The Court granted the extension of time for Defendants to respond to the Amended Complaint. (ECF No. 31.) However, the Court struck the proposed briefing schedule on potential motions. (*Id.*) Accordingly, because the Motions to Dismiss had not been filed at the time that prior stipulation was ordered, and based on the Court's striking of the proposed briefing schedule, the Parties believe that this Stipulation is properly construed as the first request to extend the deadlines to file responses and reply briefs.

Dated: March 31, 2020

BAILEY KENNEDY

/s/ Paul C. Williams

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IT IS SO ORDERED.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 31st day of March, 2020.

